

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREAS NOTTEBOHM, et al.,
Plaintiffs,

v.

AMERICAN HOME MORTGAGE
INVESTMENT CORP., et al.,
Defendants.

Case No. [14-cv-04047-SI](#)

**ORDER DENYING AS MOOT
DEFENDANTS' MOTION TO DISMISS**

Re: Dkt. No. 34

On September 5, 2014, plaintiffs Tess and Andreas Nottebohm filed a complaint against defendants. Docket No. 1. On October 9, 2014, defendants filed a motion to dismiss plaintiffs' complaint. Docket No. 34. On October 30, 2014, plaintiffs filed a first amended complaint, thereby mooting defendants' motion to dismiss. Docket No. 39; *see Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) ("[A]fter amendment the original pleading no longer performs any function and is 'treated thereafter as non-existent.'"). Accordingly, the Court DENIES as moot defendants' motion to dismiss.

IT IS SO ORDERED.

Dated: October 30, 2014



SUSAN ILLSTON
United States District Judge